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Merchant & Gould

An Intellectual Property Law Firm

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80 South Eighth Street
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Company:	USPTO	Our Ref.:	10873.403USRE
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Document Transmitted: Substitute Declaration**Message:** An executed Substitute Declaration is attached as the Examiner requested.

This transmission contains information that is confidential and/or legally privileged. It is intended for use only by the person to whom it is directed. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us.

If you did NOT receive all of the pages, please call us in the U.S.A. at 612.336.4664 or fax us at 612.332.9081.

Attorney Docket No. 10873.403USRE

MERCHANT & GOULD P.C.

United States Patent Application

SUBSTITUTE COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: IMAGE HEATING DEVICE AND IMAGE FORMING DEVICE USING THE SAME

The specification of which

- a. ☐ is attached hereto
b. ☒ was filed on February 1, 2002 as application serial no. 10/066,035 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☐ no such applications have been filed.
b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Japan	10-132984	15 May 1998	
Japan	10-203005	17 July 1998	

ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information that is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Identification of Error:

I believe that the original patent, upon which the present reissue is based, may be partially inoperative for failing to claim all that the inventors were entitled to claim. The granted claims may not adequately reflect the aspect of the invention disclosed at column 21, line 50 to column 22, line 25, and column 23, lines 5-45, as now reflected in new claim 35 which reads: An image heating device comprising: a

heat-generating member comprising a magnetic layer; a magnetization member for magnetizing said heat-generating member with an alternating magnetic field, which is arranged in opposition to said heat-generating member; a nip portion for heating a recording material that carries a toner image with heat from said heat-generating member, while the recording material is being conveyed along said nip portion; and a movable film that is separated from the heat generating member, the nip portion being formed between a pressure roller and the movable film; wherein the heat-generating member contacts a contact part of the movable film and is arranged so as to be opposed to the magnetization member at a different position from that of the nip portion, and transmits generated heat to the movable film at the contact part. I confirm that all errors being corrected in the reissue application were made without any deceptive intent.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Ali, M. Jeffer	Reg. No. 46,359	Larson, James A.	Reg. No. 40,443
Altera, Allan G.	Reg. No. 40,274	Leonard, Christopher J.	Reg. No. 41,940
Anderson, Gregg I.	Reg. No. 28,828	Liepa, Mara E.	Reg. No. 40,066
Batzli, Brian H.	Reg. No. 32,960	Lindquist, Timothy A.	Reg. No. 40,701
Beard, John L.	Reg. No. 27,612	Lown, Jean A.	Reg. No. 48,428
Berns, John M.	Reg. No. 43,496	McDonald, Daniel W.	Reg. No. 32,044
Branch, John W.	Reg. No. 41,633	McIntyre, Jr., William F.	Reg. No. 44,921
Brown, Jeffrey C.	Reg. No. 41,643	Mueller, Douglas P.	Reg. No. 30,300
Bruess, Steven C.	Reg. No. 34,130	Nelson, Anna M.	Reg. No. 48,935
Burnham, Jonelle	Reg. No. 41,980	Parsons, Nancy J.	Reg. No. 40,364
Byrne, Linda M.	Reg. No. 32,404	Pauly, Daniel M.	Reg. No. 40,123
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Daignault, Ronald A.	Reg. No. 25,968	Randall, Joshua N.	Reg. No. 50,719
Daley, Dennis R.	Reg. No. 34,994	Reich, John C.	Reg. No. 37,703
Daulton, Julie R.	Reg. No. 36,414	Reiland, Earl D.	Reg. No. 25,767
DeVries Smith, Katherine M.	Reg. No. 42,157	Schmaltz, David G.	Reg. No. 39,828
DiPietro, Mark J.	Reg. No. 28,707	Schuman, Mark D.	Reg. No. 31,197
Doscotch, Matthew A.	Reg. No. 48,957	Schumann, Michael D.	Reg. No. 30,422
Edell, Robert T.	Reg. No. 20,187	Scull, Timothy B.	Reg. No. 42,137
Epp Ryan, Sandra	Reg. No. 39,667	Sebald, Gregory A.	Reg. No. 33,280
Fitzsimmons, Karen A.	Reg. No. 50,470	Skoog, Mark T.	Reg. No. 40,178
Gadiano, Christina M.	Reg. No. 37,628	Spellman, Steven J.	Reg. No. 45,124
Goff, Jared S.	Reg. No. 44,716	Stewart, Alan R.	Reg. No. 47,974
Goggin, Matthew J.	Reg. No. 44,125	Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Golla, Charles E.	Reg. No. 26,896	Sullivan, Timothy	Reg. No. 47,981
Gorman, Alan G.	Reg. No. 38,472	Sumner, John P.	Reg. No. 29,114
Gould, John D.	Reg. No. 18,223	Swenson, Erik G.	Reg. No. 45,147
Gregson, Richard	Reg. No. 41,804	Tellekson, David K.	Reg. No. 32,314
Gresens, John J.	Reg. No. 33,112	Trembath, Jon R.	Reg. No. 38,344
Hamer, Samuel A.	Reg. No. 46,754	Tunheim, Marcia A.	Reg. No. 42,189
Hamre, Curtis B.	Reg. No. 29,165	Underhill, Albert L.	Reg. No. 27,403
Hennings, Mark	Reg. No. 48,982	Vandenburgh, J. Derek	Reg. No. 32,179
Hertzberg, Brett A.	Reg. No. 42,660	Vidovich, Kristin K.	Reg. No. 41,448
Hillson, Randall A.	Reg. No. 31,838	Wahl, John R.	Reg. No. 33,044
Holzer, Jr., Richard J.	Reg. No. 42,668	Weaver, Paul L.	Reg. No. 48,640
Hope, Leonard J.	Reg. No. 44,774	Welter, Paul A.	Reg. No. 20,890
Hornsby, III, Alton	Reg. No. 47,299	Whipps, Brian	Reg. No. 43,261
Jardine, John S.	Reg. No. 48,835	Whitaker, John E.	Reg. No. 42,222
Johns, Nicholas P.	Reg. No. 48,995	Wier, David D.	Reg. No. 48,229
Johnston, Scott W.	Reg. No. 39,721	Williams, Douglas J.	Reg. No. 27,054
Kadievitch, Natalie D.	Reg. No. 34,196	Withers, James D.	Reg. No. 40,376
Kalinsky, Robert A.	Reg. No. 50,471	Wong, Bryan A.	Reg. No. 50,836
Kettelberger, Denise	Reg. No. 33,924	Wong, Thomas S.	Reg. No. 48,577
Keys, Jeramie J.	Reg. No. 42,724	Young, Thomas	Reg. No. 25,796
Knearl, Homer L.	Reg. No. 21,197	Zeuli, Anthony R.	Reg. No. 45,255
Kowalchuk, Alan W.	Reg. No. 31,535		
Kowalchuk, Katherine M.	Reg. No. 36,848		
Lamberty, Michael	Reg. No. 50,760		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

*2355
?*

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Terada	First Given Name Hiroshi	Second Given Name
0	Residence & Citizenship	City Ikoma	State or Foreign Country Nara	Country of Citizenship Japan
1	Mailing Address	Address 8-25, Mayumi 4-chome	City Ikoma	State & Zip Code/Country Nara 630-0122 / Japan
Signature of Inventor 201:			Date:	
			Oct 28, 2004	
2	Full Name Of Inventor	Family Name Toyoda	First Given Name Akinori	Second Given Name
0	Residence & Citizenship	City Katano	State or Foreign Country Osaka	Country of Citizenship Japan
2	Mailing Address	Address 10-419, Ikuno 1-chome	City Katano	State & Zip Code/Country Osaka 576-0054 / Japan
Signature of Inventor 202:			Date:	
			Oct 28, 2004	
2	Full Name Of Inventor	Family Name Urata	First Given Name Yoshihito	Second Given Name
0	Residence & Citizenship	City Katano	State or Foreign Country Osaka	Country of Citizenship Japan
3	Mailing Address	Address 1-38-20, Kisabe	City Katano	State & Zip Code/Country Osaka 576-0052 / Japan
Signature of Inventor 203:			Date:	
2	Full Name Of Inventor	Family Name Yamamoto	First Given Name Hajime	Second Given Name
0	Residence & Citizenship	City Ikoma	State or Foreign Country Nara	Country of Citizenship Japan
4	Mailing Address	Address 4-18-1, Kitayamato	City Ikoma	State & Zip Code/Country Nara 630-0121 / Japan
Signature of Inventor 204:			Date:	
			Oct 28, 2004	

2 0 5	Full Name Of Inventor	Family Name Genji	First Given Name Nobuo	Second Given Name
	Residence & Citizenship	City Osakasayama	State or Foreign Country Nara	Country of Citizenship Japan
	Mailing Address	Address 3-361-1-324, Handa	City Osakasayama	State & Zip Code/Country Osaka 589-0011 / Japan
Signature of Inventor 205:			Date:	
2 0 6	Full Name Of Inventor	Family Name Ishimaru	First Given Name Naoki	Second Given Name
	Residence & Citizenship	City Minoo	State or Foreign Country Osaka	Country of Citizenship Japan
	Mailing Address	Address 5-15-A401, Niina	City Minoo	State & Zip Code/Country Osaka 562-0005 / Japan
Signature of Inventor 206:			Date:	
2 0 7	Full Name Of Inventor	Family Name Nakatsugawa	First Given Name Tatsuo	Second Given Name
	Residence & Citizenship	City Utsunomiya	State or Foreign Country Tochigi	Country of Citizenship Japan
	Mailing Address	Address 29-57, Tsurutamachi	City Utsunomiya	State & Zip Code/Country Tochigi 320-0851 / Japan
Signature of Inventor 207:			Date:	
2 0 8	Full Name Of Inventor	Family Name Naito	First Given Name Masakazu	Second Given Name
	Residence & Citizenship	City Shioya	State or Foreign Country Tochigi	Country of Citizenship Japan
	Mailing Address	Address 2-8-18, Housekidai, Takanzawa-cho	City Shioya	State & Zip Code/Country Tochigi 329-1231 / Japan
Signature of Inventor 208:			Date:	

Attorney Docket No. 10873.403USRE

MERCHANT & GOULD P.C.

United States Patent Application

SUBSTITUTE COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **IMAGE HEATING DEVICE AND IMAGE FORMING DEVICE USING THE SAME**

The specification of which

- a. ☐ is attached hereto
b. ☒ was filed on February 1, 2002 as application serial no. 10/066,035 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☐ no such applications have been filed.
b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Japan	10-132984	15 May 1998	
Japan	10-203005	17 July 1998	

ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
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U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

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(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information that is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

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- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
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- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Identification of Error:

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heat-generating member comprising a magnetic layer; a magnetization member for magnetizing said heat-generating member with an alternating magnetic field, which is arranged in opposition to said heat-generating member; a nip portion for heating a recording material that carries a toner image with heat from said heat-generating member, while the recording material is being conveyed along said nip portion; and a movable film that is separated from the heat generating member, the nip portion being formed between a pressure roller and the movable film; wherein the heat-generating member contacts a contact part of the movable film and is arranged so as to be opposed to the magnetization member at a different position from that of the nip portion, and transmits generated heat to the movable film at the contact part. I confirm that all errors being corrected in the reissue application were made without any deceptive intent.

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Gregson, Richard	Reg. No. 41,804	Tellekson, David K.	Reg. No. 32,314
Gresens, John J.	Reg. No. 33,112	Trembath, Jon R.	Reg. No. 38,344
Hamer, Samuel A.	Reg. No. 46,754	Tunheim, Marcia A.	Reg. No. 42,189
Hamre, Curtis B.	Reg. No. 29,165	Underhill, Albert L.	Reg. No. 27,403
Hennings, Mark	Reg. No. 48,982	Vandenburgh, J. Derek	Reg. No. 32,179
Hertzberg, Brett A.	Reg. No. 42,660	Vidovich, Kristin K.	Reg. No. 41,448
Hillson, Randall A.	Reg. No. 31,838	Wahl, John R.	Reg. No. 33,044
Holzer, Jr., Richard J.	Reg. No. 42,668	Weaver, Paul L.	Reg. No. 48,640
Hope, Leonard J.	Reg. No. 44,774	Welter, Paul A.	Reg. No. 20,890
Hornsby, III, Alton	Reg. No. 47,299	Whipps, Brian	Reg. No. 43,261
Jardine, John S.	Reg. No. 48,835	Whitaker, John E.	Reg. No. 42,222
Johns, Nicholas P.	Reg. No. 48,995	Wier, David D.	Reg. No. 48,229
Johnston, Scott W.	Reg. No. 39,721	Williams, Douglas J.	Reg. No. 27,054
Kadievitch, Natalie D.	Reg. No. 34,196	Withers, James D.	Reg. No. 40,376
Kalinsky, Robert A.	Reg. No. 50,471	Wong, Bryan A.	Reg. No. 50,836
Kettelberger, Denise	Reg. No. 33,924	Wong, Thomas S.	Reg. No. 48,577
Keys, Jeramie J.	Reg. No. 42,724	Young, Thomas	Reg. No. 25,796
Knearl, Homer L.	Reg. No. 21,197	Zeuli, Anthony R.	Reg. No. 45,255
Kowalchuk, Alan W.	Reg. No. 31,535		
Kowalchuk, Katherine M.	Reg. No. 36,848		
Lamberty, Michael	Reg. No. 50,760		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

*2355

Q.L.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
1	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 201:			Date:	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
2	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 202:			Date:	
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Signature of Inventor 203:			Date:	
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4	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 204:			Date:	

2	Full Name Of Inventor	Family Name Genji	First Given Name Nobuo	Second Given Name
0	Residence & Citizenship	City Osakasayama	State or Foreign Country Nara	Country of Citizenship Japan
5	Mailing Address	Address 3-361-1-324, Handa	City Osakasayama	State & Zip Code/Country Osaka 589-0011 / Japan
Signature of Inventor 205:			Date:	
2	Full Name Of Inventor	Family Name Ishimaru	First Given Name Naoaki	Second Given Name
0	Residence & Citizenship	City Minoo	State or Foreign Country Osaka	Country of Citizenship Japan
6	Mailing Address	Address 5-15-A401, Niino	City Minoo	State & Zip Code/Country Osaka 562-0005 / Japan
Signature of Inventor 206:			Date:	
2	Full Name Of Inventor	Family Name Nakatsugawa	First Given Name Tatsuo	Second Given Name
0	Residence & Citizenship	City Utsunomiya	State or Foreign Country Tochigi	Country of Citizenship Japan
7	Mailing Address	Address 29-57, Tsurutanihachi	City Utsunomiya	State & Zip Code/Country Tochigi 320-0851 / Japan
Signature of Inventor 207:			Date:	
2	Full Name Of Inventor	Family Name Naito	First Given Name Masakazu	Second Given Name
0	Residence & Citizenship	City Shioya	State or Foreign Country Tochigi	Country of Citizenship Japan
8	Mailing Address	Address 2-8-18, Housekidai, Takanezawa-cho	City Shioya	State & Zip Code/Country Tochigi 329-1231 / Japan
Signature of Inventor 208:			Date:	

Attorney Docket No. 10873.403USRE

MERCHANT & GOULD P.C.

United States Patent Application

SUBSTITUTE COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **IMAGE HEATING DEVICE AND IMAGE FORMING DEVICE USING THE SAME**

The specification of which

- a. ☐ is attached hereto
b. ☒ was filed on February 1, 2002 as application serial no. 10/066,035 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☐ no such applications have been filed.
b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Japan	10-132984	15 May 1998	
Japan	10-203005	17 July 1998	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information that is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Identification of Error:

I believe that the original patent, upon which the present reissue is based, may be partially inoperative for failing to claim all that the inventors were entitled to claim. The granted claims may not adequately reflect the aspect of the invention disclosed at column 21, line 50 to column 22, line 25, and column 23, lines 5-45, as now reflected in new claim 35 which reads: An image heating device comprising: a

heat-generating member comprising a magnetic layer; a magnetization member for magnetizing said heat-generating member with an alternating magnetic field, which is arranged in opposition to said heat-generating member; a nip portion for heating a recording material that carries a toner image with heat from said heat-generating member, while the recording material is being conveyed along said nip portion; and a movable film that is separated from the heat generating member, the nip portion being formed between a pressure roller and the movable film; wherein the heat-generating member contacts a contact part of the movable film and is arranged so as to be opposed to the magnetization member at a different position from that of the nip portion, and transmits generated heat to the movable film at the contact part. I confirm that all errors being corrected in the reissue application were made without any deceptive intent.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Ali, M. Jeffer	Reg. No. 46,359	Larson, James A.	Reg. No. 40,443
Altera, Allan G.	Reg. No. 40,274	Leonard, Christopher J.	Reg. No. 41,940
Anderson, Gregg I.	Reg. No. 28,828	Liepa, Mara E.	Reg. No. 40,066
Batzli, Brian H.	Reg. No. 32,960	Lindquist, Timothy A.	Reg. No. 40,701
Beard, John L.	Reg. No. 27,612	Lown, Jean A.	Reg. No. 48,428
Berns, John M.	Reg. No. 43,496	McDonald, Daniel W.	Reg. No. 32,044
Branch, John W.	Reg. No. 41,633	McIntyre, Jr., William F.	Reg. No. 44,921
Brown, Jeffrey C.	Reg. No. 41,643	Mueller, Douglas P.	Reg. No. 30,300
Bruess, Steven C.	Reg. No. 34,130	Nelson, Anna M.	Reg. No. 48,935
Burnham, Jonelle	Reg. No. 41,980	Parsons, Nancy J.	Reg. No. 40,364
Byrne, Linda M.	Reg. No. 32,404	Pauly, Daniel M.	Reg. No. 40,123
Campbell, Keith	Reg. No. 46,597	Peterson, Kyle T.	Reg. No. 46,989
Carlson, Alan G.	Reg. No. 25,959	Phillips, John B.	Reg. No. 37,206
Caspers, Philip P.	Reg. No. 33,227	Pino, Mark J.	Reg. No. 43,858
Clifford, John A.	Reg. No. 30,247	Pytel, Melissa J.	Reg. No. 41,512
Cook, Jeffrey	Reg. No. 48,649	Qualey, Terry	Reg. No. 25,148
Daignault, Ronald A.	Reg. No. 25,968	Randall, Joshua N.	Reg. No. 50,719
Daley, Dennis R.	Reg. No. 34,994	Reich, John C.	Reg. No. 37,703
Daulton, Julie R.	Reg. No. 36,414	Reiland, Earl D.	Reg. No. 25,767
DeVries Smith, Katherine M.	Reg. No. 42,157	Schmaltz, David G.	Reg. No. 39,828
DiPietro, Mark J.	Reg. No. 28,707	Schuman, Mark D.	Reg. No. 31,197
Doscotch, Matthew A.	Reg. No. 48,957	Schumann, Michael D.	Reg. No. 30,422
Edell, Robert T.	Reg. No. 20,187	Scully, Timothy B.	Reg. No. 42,137
Epp Ryan, Sandra	Reg. No. 39,667	Sebald, Gregory A.	Reg. No. 33,280
Fitzsimmons, Karen A.	Reg. No. 50,470	Skoog, Mark T.	Reg. No. 40,178
Gadiano, Christina M.	Reg. No. 37,628	Spellman, Steven J.	Reg. No. 45,124
Goff, Jared S.	Reg. No. 44,716	Stewart, Alan R.	Reg. No. 47,974
Goggin, Matthew J.	Reg. No. 44,125	Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Golla, Charles E.	Reg. No. 26,896	Sullivan, Timothy	Reg. No. 47,981
Gorman, Alan G.	Reg. No. 38,472	Sumner, John P.	Reg. No. 29,114
Gould, John D.	Reg. No. 18,223	Swenson, Erik G.	Reg. No. 45,147
Gregson, Richard	Reg. No. 41,804	Tellekson, David K.	Reg. No. 32,314
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Kowalchuk, Alan W.	Reg. No. 31,535		
Kowalchuk, Katherine M.	Reg. No. 36,848		
Lamberty, Michael	Reg. No. 50,760		

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Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

*2355
2*

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2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
1	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 201:			Date:	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
2	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 202:			Date:	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
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Signature of Inventor 203:			Date:	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
4	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 204:			Date:	

2	Full Name Of Inventor	Family Name Gcnji	First Given Name Nobuo	Second Given Name
0	Residence & Citizenship	City Osakasayama	State or Foreign Country Nara	Country of Citizenship Japan
5	Mailing Address	Address 3-361-1-324, Handa	City Osakasayama	State & Zip Code/Country Osaka 589-0011 / Japan
Signature of Inventor 205:			Date: Oct 28, 2004	
2	Full Name Of Inventor	Family Name Ishimaru	First Given Name Naoaki	Second Given Name
0	Residence & Citizenship	City Minoo	State or Foreign Country Osaka	Country of Citizenship Japan
6	Mailing Address	Address 5-15-A401, Niina	City Minoo	State & Zip Code/Country Osaka 562-0005 / Japan
Signature of Inventor 206:			Date:	
2	Full Name Of Inventor	Family Name Nakatsugawa	First Given Name Tatsuo	Second Given Name
0	Residence & Citizenship	City Utsunomiya	State or Foreign Country Tochigi	Country of Citizenship Japan
7	Mailing Address	Address 29-57, Tsurutamachi	City Utsunomiya	State & Zip Code/Country Tochigi 320-0851 / Japan
Signature of Inventor 207:			Date:	
2	Full Name Of Inventor	Family Name Naito	First Given Name Masakazu	Second Given Name
0	Residence & Citizenship	City Shioya	State or Foreign Country Tochigi	Country of Citizenship Japan
8	Mailing Address	Address 2-8-18, Housackidai, Takanezawa-cho	City Shioya	State & Zip Code/Country Tochigi 329-1231 / Japan
Signature of Inventor 208:			Date:	

Attorney Docket No. 10873.403USRE

MERCHANT & GOULD P.C.

United States Patent Application

SUBSTITUTE COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: IMAGE HEATING DEVICE AND IMAGE FORMING DEVICE USING THE SAME

The specification of which

a. ☐ is attached heretob. ☒ was filed on February 1, 2002 as application serial no. 10/066,035 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

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a. ☐ no such applications have been filed.b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Japan	10-132984	15 May 1998	
Japan	10-203005	17 July 1998	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

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U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

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- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
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Identification of Error:

I believe that the original patent, upon which the present reissue is based, may be partially inoperative for failing to claim all that the inventors were entitled to claim. The granted claims may not adequately reflect the aspect of the invention disclosed at column 21, line 50 to column 22, line 25, and column 23, lines 5-45, as now reflected in new claim 35 which reads: An image heating device comprising: a

heat-generating member comprising a magnetic layer; a magnetization member for magnetizing said heat-generating member with an alternating magnetic field, which is arranged in opposition to said heat-generating member; a nip portion for heating a recording material that carries a toner image with heat from said heat-generating member, while the recording material is being conveyed along said nip portion; and a movable film that is separated from the heat generating member, the nip portion being formed between a pressure roller and the movable film; wherein the heat-generating member contacts a contact part of the movable film and is arranged so as to be opposed to the magnetization member at a different position from that of the nip portion, and transmits generated heat to the movable film at the contact part. I confirm that all errors being corrected in the reissue application were made without any deceptive intent.

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Alterra, Allan G.	Reg. No. 40,274	Leonard, Christopher J.	Reg. No. 41,940
Anderson, Gregg I.	Reg. No. 28,828	Liepa, Mara E.	Reg. No. 40,066
Batzli, Brian H.	Reg. No. 32,960	Lindquist, Timothy A.	Reg. No. 40,701
Beard, John L.	Reg. No. 27,612	Lown, Jean A.	Reg. No. 48,428
Berns, John M.	Reg. No. 43,496	McDonald, Daniel W.	Reg. No. 32,044
Branch, John W.	Reg. No. 41,633	McIntyre, Jr., William F.	Reg. No. 44,921
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Bruess, Steven C.	Reg. No. 34,130	Nelson, Anna M.	Reg. No. 48,935
Burnham, Jonelle	Reg. No. 41,980	Parsons, Nancy J.	Reg. No. 40,364
Byrne, Linda M.	Reg. No. 32,404	Pauly, Daniel M.	Reg. No. 40,123
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Kowalchyk, Alan W.	Reg. No. 31,535		
Kowalchyk, Katherine M.	Reg. No. 36,848		
Lamberty, Michael	Reg. No. 50,760		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

*2355
7*

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
1	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 201:			Date:	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
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Signature of Inventor 204:			Date:	

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6	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 206:			Date:	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
7	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 207:			Date:	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
8	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 208:			Date:	

Nobuo *Osakasayama* *Nara* *Osakasayama* *Osaka 589-0011 / Japan*

Naoaki *Ishimaru* *Osaka* *Osaka* *Osaka 562-0005 / Japan*

Naoaki *Ishimaru* *Oct 29, 2004*

Tatsuo *Utsunomiya* *Tochigi* *Utsunomiya* *Tochigi 320-0851 / Japan*

Masakazu *Shioya* *Tochigi* *Shioya* *Tochigi 329-1231 / Japan*

Attorney Docket No. 10873.403USRE

MERCHANT & GOULD P.C.

United States Patent Application

SUBSTITUTE COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **IMAGE HEATING DEVICE AND IMAGE FORMING DEVICE USING THE SAME**

The specification of which

a. ☐ is attached hereto

b. ☒ was filed on February 1, 2002 as application serial no. 10/066,035 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☐ no such applications have been filed.b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Japan	10-132984	15 May 1998	
Japan	10-203005	17 July 1998	

ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information that is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Identification of Error:

I believe that the original patent, upon which the present reissue is based, may be partially inoperative for failing to claim all that the inventors were entitled to claim. The granted claims may not adequately reflect the aspect of the invention disclosed at column 21, line 50 to column 22, line 25, and column 23, lines 5-45, as now reflected in new claim 35 which reads: An image heating device comprising: a

heat-generating member comprising a magnetic layer; a magnetization member for magnetizing said heat-generating member with an alternating magnetic field, which is arranged in opposition to said heat-generating member; a nip portion for heating a recording material that carries a toner image with heat from said heat-generating member, while the recording material is being conveyed along said nip portion; and a movable film that is separated from the heat generating member, the nip portion being formed between a pressure roller and the movable film; wherein the heat-generating member contacts a contact part of the movable film and is arranged so as to be opposed to the magnetization member at a different position from that of the nip portion, and transmits generated heat to the movable film at the contact part. I confirm that all errors being corrected in the reissue application were made without any deceptive intent.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Ali, M. Jeffer	Reg. No. 46,359	Larson, James A.	Reg. No. 40,443
Alterra, Allan G.	Reg. No. 40,274	Leonard, Christopher J.	Reg. No. 41,940
Anderson, Gregg I.	Reg. No. 28,828	Liepa, Mara E.	Reg. No. 40,066
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Kettelberger, Denise	Reg. No. 33,924	Wong, Thomas S.	Reg. No. 48,577
Keys, Jeramie J.	Reg. No. 42,724	Young, Thomas	Reg. No. 25,796
Knearl, Homer L.	Reg. No. 21,197	Zeuli, Anthony R.	Reg. No. 45,255
Kowalchuk, Alan W.	Reg. No. 31,535		
Kowalchuk, Katherine M.	Reg. No. 36,848		
Lamberty, Michael	Reg. No. 50,760		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

*2355
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
1	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 201:			Date:	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
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4	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 204:			Date:	

2	Full Name Of Inventor	Family Name Genji	First Given Name Nobuo	Second Given Name
0	Residence & Citizenship	City Osakasayama	State or Foreign Country Nara	Country of Citizenship Japan
5	Mailing Address	Address 3-361-1-324, Handa	City Osakasayama	State & Zip Code/Country Osaka 589-0011 / Japan
Signature of Inventor 205:			Date:	
2	Full Name Of Inventor	Family Name Ishimaru	First Given Name Naoki	Second Given Name
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6	Mailing Address	Address 5-15-A401, Niina	City Minoo	State & Zip Code/Country Osaka 562-0005 / Japan
Signature of Inventor 206:			Date:	
2	Full Name Of Inventor	Family Name Nakatsugawa	First Given Name Tatsuo	Second Given Name
0	Residence & Citizenship	City Utsunomiya	State or Foreign Country Tochigi	Country of Citizenship Japan
7	Mailing Address	Address 29-57, Tsurutanachi	City Utsunomiya	State & Zip Code/Country Tochigi 320-0851 / Japan
Signature of Inventor 207:			Date:	
Nakatsugawa Tatsuo			Oct 29, 2004	
2	Full Name Of Inventor	Family Name Naito	First Given Name Masakazu	Second Given Name
0	Residence & Citizenship	City Shioya	State or Foreign Country Tochigi	Country of Citizenship Japan
8	Mailing Address	Address 2-8-18, Houskida, Takanezawa-cho	City Shioya	State & Zip Code/Country Tochigi 329-1231 / Japan
Signature of Inventor 208:			Date:	

Attorney Docket No. 10873.403USRE

MERCHANT & GOULD P.C.

United States Patent Application

SUBSTITUTE COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **IMAGE HEATING DEVICE AND IMAGE FORMING DEVICE USING THE SAME**

The specification of which

- a. ☐ is attached hereto
b. ☒ was filed on February 1, 2002 as application serial no. 10/066,035 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☐ no such applications have been filed.
b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Japan	10-132984	15 May 1998	
Japan	10-203005	17 July 1998	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

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U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information that is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Identification of Error:

I believe that the original patent, upon which the present reissue is based, may be partially inoperative for failing to claim all that the inventors were entitled to claim. The granted claims may not adequately reflect the aspect of the invention disclosed at column 21, line 50 to column 22, line 25, and column 23, lines 5-45, as now reflected in new claim 35 which reads: An image heating device comprising: a

heat-generating member comprising a magnetic layer; a magnetization member for magnetizing said heat-generating member with an alternating magnetic field, which is arranged in opposition to said heat-generating member; a nip portion for heating a recording material that carries a toner image with heat from said heat-generating member, while the recording material is being conveyed along said nip portion; and a movable film that is separated from the heat generating member, the nip portion being formed between a pressure roller and the movable film; wherein the heat-generating member contacts a contact part of the movable film and is arranged so as to be opposed to the magnetization member at a different position from that of the nip portion, and transmits generated heat to the movable film at the contact part. I confirm that all errors being corrected in the reissue application were made without any deceptive intent.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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